

U.S. Serial No. 10/044,015
Atty Docket: 24069B

REMARKS

Status of Claims

Claims 9-24 are pending in the present application. Claims 23-24 are withdrawn from consideration. Claims 9-22 stand rejected. Favorable reconsideration is respectfully requested in light of the following remarks.

Affirmation of Election

Applicant hereby affirms the election to prosecution of Group I, claims 9-22.

Drawings

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include there reference sign "10" (page 7, line 13).

The drawings stand objected to as failing to comply with 37 CFR 1.84(q) because in Fig. 1 the reference character "38" has no lead line.

Applicant has included a substitute Fig. 1 showing reference sign 10 (Fig. 1) and the lead line to reference character 38. A marked-up drawing (in red ink) is also included showing the changes to the drawings.

Claim Objections

Claim 10 stand objected to. The Examiner states that in claim 10, line 7, "camber" should read -- chamber --.

Applicant has canceled claim 10 and amended claim 9 to include the subject matter of claim 10. Applicant has amended "camber" to read -- chamber -- in claim 9, line 9. Applicant submits that the objection to claim 10 has been overcome and respectfully requests that the objection to claim 10 be withdrawn.

Claims Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 10-22 stand objected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The Examiner states that in claim 10, "It is unclear if a total of at least three stages are required or if an apparatus having only two stages would be within the scope of the claim. Applicant has canceled claim 10 and amended claim 9 to include the subject matter of claim 10. Applicant has amended claim 9, lines 4-5 to read (in part) "...wherein said in-line mixer comprises at least a first and a second stage serially connected to each other..." Applicant submits that this amendment clarifies the number of stages required.

The Examiner states that in claim 21, the phrase "the applicator reservoir" is recited. The Examiner further states that there is lack of antecedent basis from this phrase. Applicant has amended claim 21 to delete the term "reservoir" Applicants submit that claim 21 now has proper antecedent basis.

Applicants respectfully request that the 35 U.S.C. 112, second paragraph, rejections of claims 10-22 be withdrawn.

Rejection Under 35 U.S.C. 102(b) – Potchen and Nakamura et al.

Claims 9-11, 13, 18 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Potchen (2,890,868).

Applicant has amended claim 9 to include the subject matter of claim 10 and to clarify that the first stage of the in-line mixer comprises "means within said first chamber for uniformly mixing materials introduced therein with". Further, Applicant has amended claim 9 to clarify that the applicator is a "size" applicator. Applicant submits that no new matter has been added. Claim 10 has been canceled herein.

Applicant claims (claim 9, in part):

"An apparatus for the substantially continuous preparation and application of a size composition to glass fibers, comprising an in-line mixer for preparing the size in flow communication with an applicator to applying said size to said fibers, wherein said in-line mixer comprises at least a first and a second stage serially, connected to each other ... means within said first chamber for uniformly mixing materials introduced therein with a carrier fluid flowing therethrough..."

Potchen teaches away from Applicant's claimed invention. In col. 4, lines 31-38 Potchen teaches, "The substances to be mixed are first brought together in the receiving cavity 13. Slight mixing may occur in this cavity but normally substances of this type with which this mixer is intended to be used strongly resist intermixing. Consequently,

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the substances will pass from the receiving cavity to the first mixing disk in completely identifiable form." (col. 4, lines 31-38).

Applicant claims "means for uniformly mixing materials within the first chamber". Applicant's claimed limitation is not taught or suggested by the Potchen. Potchen teaches away from uniformly mixing the materials in the first Chamber and clearly teaches that "...substances (to be mixed) will pass from the receiving cavity to the first mixing disk in completely identifiable form." Potchen specifically provides subsequent chambers to later mix the fluids, but this is not performed in the first stage as Applicant claims.

Claim 10 has been canceled herein and claims 11, 13 18 and 20 ultimately depend from currently amended claim 9. Accordingly, Applicant respectfully requests that the 102(b) rejection of claims 9-11, 13, 18 and 20 be withdrawn.

Claims 9, 10, 18 and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (5,482,368).

Applicant has amended claim 9 as indicated above and to further clarify that the "second stage" of Applicant's in-line mixer comprises a "hydrolyzer chamber". Nakamura et al. teach a mixer to control saccharides concentration of soft drinks. Nakamura et al. teach a deaeration tank 5 in which the (liquid) whirling mixture is repeatedly passed through a net and is deaerated. Nowhere do Nakamura et al. teach a hydrolyzer chamber as Applicant claims.

The Examiner states that Nakamura et al. teach an applicator (12). Nakamura et al. teach a product delivery pipe 12 leading to a bottling apparatus. Applicant has amended claim 9 to clarify that the applicator is a size applicator. Nowhere do Nakamura et al. teach or suggest neither an applicator nor a size applicator.

Accordingly, Nakamura et al. fail to teach several of Applicant's claim limitations and, as such, Applicant respectfully requests that the 102(b) rejection of claims 9, 10, 18 and 22 be withdrawn.

Rejection Under 35 U.S.C. 103(a)

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen as applied to claim 10 above.

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Claims 12, 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen in view of Cadeo et al.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen in view of Dearing, Sr. et al.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Dearing, Sr. et al.

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen in view of Nakamura et al.

As argued above, neither Potchen nor Nakamura et al. teach or suggest Applicant's claimed invention. As such, a *prima facie* case of obviousness cannot be made. In view of the above arguments, Applicants are not arguing the merits of claims 12, 14, 15, 21 and 22 herein.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 9, and 11-22 are allowable. The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7213 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

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Applicant authorizes any fees required pertaining to this response be charged
to Deposit Account No. 50-0568.

Respectfully submitted,
OWENS-CORNING

By Maria C. Gasaway

Maria C. Gasaway
Reg. No. 51,721
2790 Columbus Road,
Building 54
Granville, OH 43023
(740) 321-7213

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